

Notice of Allowability

Application No.

10/620,373

Examiner

Hong C. Kim

Applicant(s)

SATOYAMA ET AL.

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to filed on 6/22/05.
2. ☒ The allowed claim(s) is/are 21-24 which are renumbered to 1-4.
3. ☒ The drawings filed on 17 July 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/506,271.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Detailed Action

1. Claims 21-24 are presented for examination. This office action is in response to the amendment filed on 6/22/05.

Information Disclosure Statement

2. Examiner acknowledges applicant's statement that translations of the Japanese documents "MainFrame 98" pp53-54 and pp126-130, 145, 151 are not readily available in the parent application (09/506,271). These documents have been considered as per MPEP § 609 which states:

If no translation is submitted, the examiner will consider the information in view of the concise explanation and insofar as it is understood on its face, e.g., drawings, chemical formulas, English language abstracts, in the same manner that non-English language information in Office search files is considered by examiners in conducting searches.

As the examiner's understanding of Japanese language is nil, if the Applicant desires consideration of these documents in their entirety, as opposed to the statement of relevance provided in the specification, Applicant should submit an English translation. Applicants are reminded of the duty to disclose information under 37 CFR 1.56 (i.e. search report).

Terminal Disclaimer

3. The terminal disclaimer filed on 6/22/05 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 6,615,327 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Specification

4. The status of the referenced U.S. applications must be updated as appropriate in the CROSS-REFERENCE TO RELATED APPLICATIONS section and in any other corresponding area in the specification, if any.

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

6. Authorization for this examiner's amendment was given in a telephone interview with John R. Mattingly, Attorney for Applicants (Reg. No. 30,293) June 30, 2005.

7. Application has been amended as follows:

In the claim:

In the claim 23 line 21, change "processor" to – first computer--.

REASONS for ALLOWANCE

8. The following is an Examiner's statement of reasons for the indication of allowable subject matter: renumbered claims 1-4 are allowable over the prior art of record an update of a search does not detect the combined claimed elements as set forth in the claims 1-4. Specifically, claims are allowable over the prior art of record because none of the prior art of record teaches or fairly suggests a system comprising a first storage apparatus storing data in a fixed length block format connected to a second computer via a fixed length access interface; a second storage apparatus connected to a first computer, wherein said first computer requests said second computer to send data stored in the first storage apparatus via a communication line, wherein said second computer reads said data stored, in said first storage apparatus via said fixed length access interface and transfers said data to said first computer via said communication line based on said request, wherein said first computer receives said transferred data, converts said received data to a variable-length block format, and processes the converted data, wherein the first computer makes volume information for accessing data stored in said first storage apparatus, wherein said first computer checks whether data to be read is stored in the first storage apparatus or not based on the volume information and wherein said first computer reads data from said second storage apparatus if the data to be read is not stored in said first storage apparatus as described in the specification and together with combination of other claimed element as set forth in the claims. Also the reasons for allowance of the claims over the prior art

of record is believed to be clear from the prosecution records taken as a whole.

Therefore, claims 1-4 are allowable over the prior art of records.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons For Allowance."

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong C Kim whose telephone number is (571) 272-4181. The examiner can normally be reached on M-F 9:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt M Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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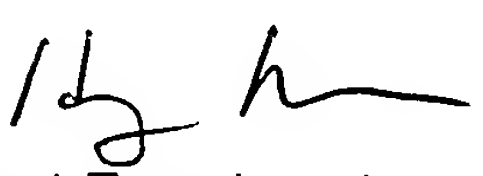
11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12. **Any response to this action should be mailed to:**

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to TC-2100:
571-273-8300

Hand-delivered responses should be brought to the Customer Service Window (Randolph Building, 401 Dulany Street, Alexandria, VA 22314).

HK 
Primary Patent Examiner
June 30, 2005